

E & R AMENDMENTS TO LB 924

Introduced by Enrollment and Review Committee: Flood, 19,  
Chairperson

1           1. Strike the original sections and all amendments  
2 thereto and insert the following new sections:

3           Section 1. Section 76-701, Reissue Revised Statutes of  
4 Nebraska, is amended to read:

5           76-701 ~~As used in sections 76-701 to 76-724, unless~~  
6 ~~the context otherwise requires~~ For purposes of sections 76-701 to  
7 76-726 and section 2 of this act:

8           (1) Condemner means any legal entity that by law has been  
9 granted the right to exercise the power of eminent domain, and  
10 includes the state and any governmental or political subdivision  
11 thereof;

12           (2) Condemnee means any person, partnership, limited  
13 liability company, corporation, or association owning or having  
14 an encumbrance on any interest in property that is sought to be  
15 acquired by a condemner or in possession of or occupying any such  
16 property;

17           (3) Property means any such interest in real or personal  
18 property as the condemner is empowered by law to acquire for public  
19 use; and

20           (4) County judge means the county judge of the county  
21 where condemnation proceedings provided by such sections ~~76-701 to~~  
22 ~~76-724~~ are had.

23           Sec. 2. (1) A condemner may not take property through the

1 use of eminent domain under sections 76-704 to 76-724 if the taking  
2 is for an economic development purpose.

3 (2) For purposes of this section, economic development  
4 purpose means taking property for subsequent use by a commercial  
5 for-profit enterprise or to increase tax revenue, tax base,  
6 employment, or general economic conditions.

7 (3) This section does not affect the use of eminent  
8 domain for:

9 (a) Public projects or private projects that make the  
10 property available for use by the general public or for use as a  
11 right-of-way, aqueduct, pipeline, or similar use;

12 (b) Removing harmful uses of property if such uses  
13 constitute an immediate threat to public health and safety;

14 (c) Leasing property to a private person who occupies an  
15 incidental part of public property or a public facility, such as a  
16 retail establishment on the ground floor of a public building;

17 (d) Acquiring abandoned property;

18 (e) Clearing defective property title;

19 (f) Taking private property for use by a utility or  
20 railroad; and

21 (g) Taking private property based upon a finding of  
22 blighted or substandard conditions under the Community Development  
23 Law if the private property is not agricultural land or  
24 horticultural land as defined in section 77-1359.

25 Sec. 3. Section 76-883, Reissue Revised Statutes of  
26 Nebraska, is amended to read:

27 76-883 (a) A person required to deliver a public-offering

1 statement pursuant to subsection (c) of section 76-879 shall  
2 provide a purchaser of a unit with a copy of the public-offering  
3 statement and all amendments thereto before conveyance of that unit  
4 and not later than the date of any contract of sale. Unless a  
5 purchaser is given the public-offering statement more than fifteen  
6 days before execution of a contract for the purchase of a unit,  
7 the purchaser, before conveyance, may cancel the contract within  
8 fifteen days after first receiving the public-offering statement.

9 (b) After receiving the public-offering statement and  
10 all amendments, a purchaser has the right to have an independent  
11 inspection of the building's structure and mechanical systems  
12 conducted at the purchaser's expense.

13 ~~(b)~~ (c) If a purchaser elects to cancel a contract  
14 pursuant to subsection (a) of this section, he or she may do so by  
15 hand-delivering notice thereof to the offeror or by mailing notice  
16 thereof by mail postage prepaid to the offeror or to his or her  
17 agent for service of process. Cancellation is without penalty, and  
18 all payments made by the purchaser before cancellation shall be  
19 refunded promptly.

20 ~~(e)~~ (d) If a person required to deliver a public-offering  
21 statement pursuant to subsection (c) of section 76-879 fails  
22 to provide a purchaser to whom a unit is conveyed with that  
23 public-offering statement and all amendments thereto as required  
24 by subsection (a) of this section, the purchaser is entitled to  
25 receive damages and other relief from that person.

26 Sec. 4. Original sections 76-701 and 76-883, Reissue  
27 Revised Statutes of Nebraska, are repealed.

1                   2. On page 1, line 2, strike "18-2103, 18-2123, and" and  
2   after "76-701" insert "and 76-883"; strike beginning with "to" in  
3   line 3 through the semicolon in line 4; and in line 5 after the  
4   first semicolon insert "to provide certain rights for purchasers of  
5   condominiums;".